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September 30, 2021

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**By Fax and First Class Mail**

The Honorable ERIC N. VITALIANO  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201  
Chambers Fax: 718-613-2136

**Re: *Song et al. v. Kensington International Inc. et al.*, Docket No.: 21-cv-00543 (ENV) (TAM)—Motion for Extension of Time to Serve Third-Party Defendant Burke McFarland**

Dear Judge Vitaliano:

We represent defendant Eyan Edwards (“Mr. Edwards”) in the above referenced action. We write for the purpose of extending Mr. Edwards’ time to serve third-party defendant Burke McFarland (“Mr. McFarland”) with Mr. Edward’s Third Party Complaint until **December 31, 2021** *nunc pro tunc* as of August 9, 2021. [Dkt. No.: 16.]

Plaintiffs commenced this action on or about February 1, 2021. [Dkt. No.: 1.] After obtaining an extension of time to answer, [Dkt. No.: 11], Mr. Edwards answered the Complaint, [Dkt. No.: 14], served cross-claims against the other defendants, and impleaded Mr. McFarland. [Dkt. No.: 16.] A summons for Mr. McFarland was issued on May 7, 2021. [Dkt. No.: 17.] Mr. Edwards’ initial deadline to serve Mr. McFarland was ninety days later, August 9, 2021 (August 7, 2021 was a Saturday). No prior application for the relief sought herein has been requested. Counsel for plaintiffs consents to the request; Mr. McFarland, of course, cannot be located, and the remaining defendants have failed to appear and answer plaintiffs’ Complaint or Mr. Edwards’

Cross-Claims. Mr. Edwards requests that he be granted until **December 31, 2021** to continue searching for Mr. McFarland for the purpose of serving Mr. McFarland.<sup>1</sup>

Mr. Edwards has diligently attempted to serve Mr. McFarland since the summons was issued. A true and accurate summary of Mr. Edwards' counsel's investigation into Mr. McFarland's whereabouts and attempts to serve Mr. McFarland are attached hereto as Exhibit A. Despite Mr. Edwards' diligent attempts to locate and serve Mr. McFarland, Mr. McFarland, upon information and belief, is attempting to evade service. Mr. Edwards intends to hire a private investigator to attempt to track down Mr. McFarland and, failing that, to request permission to serve Mr. McFarland by alternative means if necessary.

Respectfully submitted,

ROBINSON BROG LEINWAND  
GREENE GENOVESE & GLUCK P.C.

By: s/Andrew T. Lolli  
Andrew T. Lolli

cc:

Eyan Edwards

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<sup>1</sup> Mr. Edwards counsel apologizes for not bringing the instant application earlier. The undersigned was forced to cancel his wedding in Ireland in August due to his wife's J-1 Physician immigration status, scramble to plan a wedding in New York during the same time, and then went on a honeymoon. Counsel will be happy to explain the delay to the Court in greater detail via phone conference if necessary.